

Office Action Summary

Application No.

09/410,100

Applicant(s)

TERASHIMA ET AL.

Examiner

Heather D Gibbs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 4 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5-7 and 22-35 is/are allowed.
- 6) ☒ Claim(s) 8-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Response to Amendment

1. Applicant's argument was received on 11/24/2003 and has been entered and made of record. Claims 28-35 have been added. Claim 4 has been cancelled. Claims 1-3,5-34 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 8-15 have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant's arguments filed 11/24/2003, with respect to claims 16-21, have been fully considered but they are not persuasive. Applicant argues that Sasai teaches of a curl-correcting device and hence does not find the prior art to be relevant. Upon further consideration, the Examiner finds that Sasai teaches wherein the image curl-correcting device is compatible with the facsimile machine and other image reading device. Since claims 8 and 16 are representative, Examiner also finds Hasengawa to be pertinent to claim 16. The combination of Sasai and Inoue et al together include an image reading device where the separating means, for separating a document to be read by the reading means are disposed above the reading means.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the

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effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Hasegawa (US 6,342,956).

Hasegawa discloses an image reading device that comprises an operating unit openable/closeable to a device body and having a guide member for guiding and conveying a document (Col 30 Lines 22-26 and Fig 27); a reading unit (ref 200) having reading means disposed opposite to said guide member for reading an image of the document, and being attachable to/detachable from said device body (Col 31 Lines 19-22); and detecting means for detecting opening/closing of said operating unit and attachment/detachment of said reading unit to said device body (Col 33 Lines 20-64), wherein said detecting means comprises a sensor disposed in said operating unit, and an actuating member moveable disposed in said operating unit and operated by said reading unit to turn on/off sensor (Col 33 Lines 22-29).

Considering claim 9, Hasegawa discloses an operating unit that has an operating panel with a plurality of operating keys (Fig 27 Ref. 402 and 403).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa et al. (US 6,342,956) in view of Honma et al (US 4, 847,654).

Hasegawa et al. disclose the device as described above in claim 8 fails to particularly teach wherein said sensor comprises a photointerruptor.

Honma et al discloses an image forming apparatus under an original scanning unit that comprises of a photointerruptor (Ref 22 Col 4 Lines 4-9).

Therefore, at the time the invention was made it would have been obvious to one skilled in the art to include Honma's photointerruptor in the sensor of Hasegawa.

Hasegawa's sensor would easily be modified to include Honma's photointerruptor as a way of detecting position in combination with the actuator, as taught by Honma.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa et al. (US 6,342,956) in view of Sato et al (US 5,452,098).

Hasegawa et al. discloses the device as discussed above in claim 8, but fails to particularly teach wherein said reading means comprises an adhesion type image sensor.

Sato et al. discloses a facsimile apparatus that includes a linear image sensor where the linear image sensor is a contact type image sensor (Col 4 Lines 52-56).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to replace Sato's adhesion sensor with the sensor of Hasegawa.

Hasegawa's sensor would easily be modified to be an adhesion type sensor since a contact type (adhesion) image sensor reads image information carried by the original, as taught by Sato.

9. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa et al (US 6,342,956) in view of Aihara et al (US 6,011,634).

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Regarding claim 12, Hasegawa et al discloses the device as discussed above in claim 8, but does not disclose informing means for providing information when an operating unit is opened.

Aihara et al. discloses portable facsimile equipment that is capable of detecting an open or closed state of the lid (Col 3 Lines 44-45).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to include Aihara's open/close lid in the device of Hasegawa. Hasegawa's device would easily be modified to include Aihara's open/close lid for informing the user of the current status of the lid and/or to inform the user of any problems before transmission begins, as taught by Aihara.

With reference to claim 13, Hasegawa et al. does not disclose informing means where the display means is in an operating unit.

Aihara et al. discloses display means enclosed within the portable facsimile apparatus (Col 3 Lines 30-55).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to include Aihara's display means in Hasegawa's operation unit. Hasegawa's unit would easily be modified to include Aihara's display means as a way for the user to see any data before it is transmitted.

Referring to claim 14, Hasegawa et al does not disclose informing means including a speaker disposed in the image reading device body.

Aihara et al. discloses a communication module within the portable facsimile equipment that includes a loudspeaker (Col 15 Lines 50-54).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to include Aihara's loudspeaker in Hasegawa's device. Hasegawa's device would easily be modified to include Aihara's loudspeaker as a way to output a signal through a loudspeaker and inform the user of the presence of the received signal.

Considering claim 15, Hasegawa in view of Aihara discloses an image reading device as discussed above.

Aihara further discloses a portable facsimile equipment that further comprising recording means 90 for recording the image on a sheet (Col 16 Lines 52-59), wherein said informing means comprises said recording means (Col 1 Lines 64-66).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to further incorporate Aihara's informing means with the image reading device already discussed with reference to Hasegawa in view of Aihara. Hence, Hasegawa and Aihara's invention would easily be modified to further include the informing/recording means of Aihara's for printing the received data on paper or the like and reading out the data, as taught by Aihara.

10. Claims 16-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasai (US 5,637,070) in view of Inoue et al (US 5,315,397).

Considering claim 16, which is representative of Claim 19, Sasai discloses a curl-correcting device that can be used in office equipment such as a facsimile apparatus and printers. (Col 1 Lines 20-22) Sasai teaches of the device having a recording section having recording means for recording an image on a sheet in accordance with image information [and a rolled sheet storage section for accommodating a rolled sheet to feed the sheet (Col 25 Lines 35-36)] (Fig 33 Ref. 88 and Col 2 Lines 28-36); a reading section (unit C) having

reading means for reading a document and separation means for separating the document sheet by sheet to feed the document to said reading means (Col 5 Lines 11-27); a device body to where the recording section (Unit B) and the reading section (Unit C) are attached (Fig 2 and Col 4 Lines 59-61);

Sasai does not specifically teach wherein said separating means of said reading section is disposed above said recording means, and said separating section can open by rotating from a front side toward a rear side of said device body centering on a rotating shaft disposed on the rear side of said device body.

Inoue et al teaches of a separating means (M222-225) that have hinges and are rotatable about a shaft M128 (Col 11 Lines 31-49; Col 15 Lines 28-53; Fig 17 and 16A).

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to combine the separating means of Inoue with the image-reading device of Sasai. Assay's image reading device would easily be modified to include the separating means of Inoue to allow easy opening of the upper unit.

With reference to claims 17 and 20, Sasai discloses separating means that has a guide member for guiding the document, and the guide member can rotate with said separating means centering on said rotating shaft (Col 5 Lines 47-51 and Fig 1).

11. Claims 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasai et al (US 5,637,070) and Inoue (US 5,315,397) as applied to claims 17 and 20 above respectively, and further in view of Haneda (US 5,966,569).

Sasai et al. and Inoue do not disclose an image reading device where the separating means is closed and said guide member cover a part of said recording means to form a document-conveying path.

Haneda discloses an image forming apparatus where there is an image forming body that is capable of opening and closing. The above-mentioned body opens along a recording sheet P conveyance path formed by the image forming body and a transfer means moves (guide member 153) to be away from the conveyance path when the image forming apparatus is opened. Hence, there is a conveyance path formed when the image forming body is closed. (Col 11 Lines 61-65 and Col 12 Lines 47-63).

Therefore, it would be obvious to one skilled in the art at the time the invention was made to include Haneda's separating means in Sasai and Inoue's system. Sasai and Inoue's system would easily be modified to include Haneda's separating means as a way of avoiding damage to the apparatus and the operator's hands (when the separating means is in a closed position), as taught by Haneda.

Allowable Subject Matter

12. Claims 1-3,5-7,22-35 are allowed.

13. The following is a statement of reasons for the indication of allowable subject matter: Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of the said prior art which teaches the features of Claims 1,22,29,and 34, including all the limitation recited therein.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D Gibbs whose telephone number is 703-306-4152. The examiner can normally be reached on M-F 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

hdg


Heather D Gibbs
Examiner
Art Unit 2622


EDWARD COLES
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